

LEROY BEY,

 Plaintiff,

 v.

 TROY HANSEN, et al.,

 Defendants.

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) Case No. C08-1479-TSZ
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) REPORT AND
) RECOMMENDATION
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Plaintiff's complaint fails to state a claim upon which relief can be granted. To establish copyright infringement, a plaintiff must show ownership of a valid copyright and copying of

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1 original elements of the work. *Feist Publ'ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361
2 (1991). Plaintiff does not identify ownership of a valid copyright for his name, nor does he
3 identify any copying of original elements of his name by the defendants. Plaintiff's complaint is
4 frivolous. Accordingly, the Court recommends that this action be DISMISSED and that plaintiff's
5 application to proceed *in forma pauperis* be DENIED as moot. A proposed Order accompanies
6 this Report and Recommendation.

7 DATED this 10th day of October, 2008.

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10 BRIAN A. TSUCHIDA
11 United States Magistrate Judge
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